



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE WI 53202

COPY MAILED

JAN 18 2007

OFFICE OF PETITIONS

In re :
Lavelle, et al. :
Application No. 09/618,516 : DECISION ON APPLICATION
Filed: July 18, 2000 : FOR PATENT TERM ADJUSTMENT
Docket No. LOCK/170/US :

This is a decision on the "APPLICATION FOR PATENT TERM EXTENSION", filed October 10, 2006. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from seven hundred ninety-five (795) days to one thousand, one hundred seventy-three (1173) days, plus the number of days from October 3, 2006 to the issue date.

The application for patent term adjustment under § 1.705(b) is **DISMISSED**. Applicant did not pay the required \$200 PTA fee. No authorization to charge a deposit account could be found. As such, the Office will not look into the matter on the merits.

Applicants are reminded that the Office does not assess whether or not any additional PTA is accorded for failure to issue a patent within three years from filing until after the issue date is established.¹

¹ Applicants should note that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period of pendency before the Office except for periods excluded under 35 U.S.C. (b)(1)(B)(i)-(iii), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A).

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Kery Fries', with a stylized flourish at the end.

Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy